

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 2:15-cr-04268-JB

ANGEL DELEON, et al.,

Defendants.

**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME TO FILE RENEWED
MOTIONS FOR DIRECTED VERDICT AND MOTIONS FOR NEW TRIAL**

Defendants Daniel Sanchez, Anthony Ray Baca, and Carlos Herrera respectfully move the Court to extend the deadlines for filing any renewed motions for directed verdict, pursuant to Fed. R. Crim. P. 29, and motions for new trial, pursuant to Fed. R. Crim. P. 33, until June 15, 2018. As grounds therefore, Mr. Sanchez, Mr. Baca, and Mr. Herrera state as follows:

1. Mr. Sanchez, Mr. Baca, and Mr. Herrera were charged by Superseding Indictment with violent crimes in aid of racketeering, contrary to 18 U.S.C. § 1959. [Dkt. 949.] Trial began on January 29, 2018.¹ On February 23 and 26, 2018, at the close of the government's case-in-chief, all three defendants made oral motions for directed verdicts pursuant to Fed. R. Crim. P. 29. The Court denied Mr. Sanchez's and Mr. Herrera's motions, and denied in part, and granted in part Mr. Baca's motion. [Dkt. 1870.] Ultimately, the jury was asked to reach verdicts on two counts each as to Mr. Sanchez and Mr. Herrera, and four counts as to Mr. Baca. The jury announced its verdicts finding Mr. Sanchez, Mr. Baca, and Mr. Herrera guilty of the crimes charged against them on March 12, 2018.

¹ A fourth defendant, Rudy Perez, also proceeded to trial on January 29, 2018. The jury ultimately found Mr. Perez not guilty of the crimes charged against him and thus he is not a party to this motion.

2. Pursuant to Fed. R. Crim. P. 29, “a defendant may move for a judgment of acquittal, or renew such a motion, within 14 days after a guilty verdict or after the court discharges the jury, whichever is later.” Furthermore, under Fed. R. Crim. P. 33, a defendant may file a motion for new trial “grounded on any reason other than newly discovered evidence ... within 14 days after the verdict or finding of guilty.” Thus, any motions the defendants may file under Rule 29 or Rule 33 are currently due by Monday, March 26, 2018.

3. Under Fed. R. Crim. P. 45(b), however, this Court has authority to extend the deadline for filing these motions “for good cause.” Given the length of the trial, the number of witnesses and exhibits presented, and the complexity of the legal issues raised, counsel for Mr. Sanchez, Mr. Baca, and Mr. Herrera need additional time to fairly and adequately draft and file their renewed motions for judgments of acquittal and their motions for new trial. Counsel respectfully request an extension of approximately ninety days until June 15, 2018. This extension will provide counsel sufficient time to research and draft the motions, and will permit them to file shortly after the conclusion of Trial 2, when the government’s counsel is available to respond.

4. Undersigned counsel conferred with counsel for the United States and counsel for the remaining defendants regarding this motion, and they do not oppose it.

CONCLUSION

WHEREFORE, Defendants Daniel Sanchez, Anthony Ray Baca, and Carlos Herrera respectfully move the Court to extend the deadlines for filing any renewed motions for directed verdict, pursuant to Fed. R. Crim. P. 29, and motions for new trial, pursuant to Fed. R. Crim. P. 33, until June 15, 2018.

Respectfully submitted,

/s/ Theresa M. Duncan
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of March 2018, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel for Plaintiff and Defendants to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Theresa M. Duncan
Theresa M. Duncan